

UNITED STATES DISTRICT COURT
for the

Eastern District of North Carolina

FILED IN OPEN COURT
ON 9/13/2013
Julie A. Richards, Clerk
US District Court
Eastern District of NC

United States of America

v.

Russell Cornelius Brown

Date of Original Judgment: December 4, 2002Date of Previous Amended Judgment: June 2, 2009

(Use Date of Last Amended Judgment if Any)

Case No: 5:02-CR-2-1BO and 5:02-CR-226-1BOUSM No: 19941-056

Thomas P. McNamara

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____

Although application of the Fair Sentencing Act of 2010 retroactive amendment results in a lower guideline imprisonment range, the defendant did not receive a reduction pursuant to 18 U.S.C. § 3553(e) or Rule 35. The 120-month minimum term of imprisonment required by statute in 5:02-CR-2-1BO was imposed pursuant to U.S.S.G. § 5K1.1.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated December 4, 2002, and June 2, 2009 shall remain in effect. **IT IS SO ORDERED.**

Order Date:

9.13.13


Judge's signature

Effective Date:

(if different from order date)

Terrence W. Boyle, U.S. District Judge

Printed name and title